

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MICHELLE FULCINITI,	:	
Plaintiff,	:	
	:	
v.	:	Civil No. 5:23-cv-01349-JMG
	:	
STATE FARM FIRE AND CASUALTY	:	
COMPANY,	:	
Defendant.	:	

ORDER

AND NOW, this 26th day of July, 2023, upon consideration of Defendant's Motion to Dismiss (ECF. No. 3) and Plaintiff's Response (ECF No. 5), and for the reasons stated in the accompanying Memorandum Opinion, **IT IS HEREBY ORDERED** that Defendant's Motion (ECF No. 3) is **GRANTED in part and DENIED in part**:

- a. Defendant's Motion to Dismiss Count II (Continuing Breach of Contract) and Count V (Violation of UTPCPL) is **DENIED**.
- b. Defendant's Motion to Dismiss Count VI (Unconscionable Conduct) is **GRANTED**.

BY THE COURT:

/s/ John M. Gallagher
JOHN M. GALLAGHER
United States District Court Judge